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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,700	09/28/2001	Steven G. Smith	BELL-0138/01189	6438
38952	7590	02/08/2006	EXAMINER	
WOODCOCK WASHBURN LLP ONE LIBERTY PLACE - 46TH FLOOR PHILADELPHIA, PA 19103				NGUYEN, STEVEN H D
ART UNIT		PAPER NUMBER		
		2665		

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/966,700	SMITH ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Steven HD Nguyen	2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 22 November 2005.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1,2 and 4-13 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1,2 and 4-13 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.  
\_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-2 and 4-13 rejected under 35 U.S.C. 103(a) as being unpatentable over Oppenheimer (US 20030014477) in view of Doss (US 20020188620).

Regarding claims 1 and 7-13, Oppenheimer discloses a method of sending data from a first computing device (Fig 2, Ref 100A) to at least one of a plurality of second computing devices (Fig 2, Ref 212, Application Servers) over a wireless network (Fig 2, Ref 202, is a wireless network) comprising initiating a first application (Fig 6B discloses the client device initiates a first application for retrieving a data from the application server) on a first computing device (Fig 2, Ref 100A) including a wireless interface the first application for accessing and retrieving legacy data from a remote system (Fig 2, Ref 212) via a protocol server (Fig 2, Ref

210); initiating a second application on the first computing device (Fig 5B discloses the client device initiates a instant messenger application for delivering a message to a instant message server which deliveries to the second device), the second application providing an instant messaging service and enabling instant messaging data to be sent from the first computing device (Fig 2, Ref 100A) to an instant messaging server (Fig 2,Ref 212) via the protocol server (Fig 2, Ref 210) over a wireless network (Fig 2, Ref 202); generating data to be sent from the first computing device to the at least one of the plurality of second computing devices (Figs 3-4, 5B and 6B), wherein data is generatable from the first application as a request to the remote system (Fig 6B) and from the second application as an instant message (Fig 5B) and is transmitted by way of the wireless device (Fig 2, Ref 100A); and transmitting the generated data from the first computing device to the protocol server for delivery of the request to the legacy system (Fig 6B) and for delivery of the instant message to the instant messaging server for delivering the message to the second device (Fig 5B). However, Oppenheimer fails to disclose the wireless modems at the client device and access point device in order to initiate a request to a modem controller for access to the wireless digital packet switched modem. In the same field of endeavor, Doss discloses a method and system comprising a plurality of client devices (Fig 2, Ref 10), plurality of application servers (Fig 2, Ref 47-48) and protocol server (Fig 2, Ref 46) for coupling between network (Fig 2, Ref 49) and wireless packet network (Fig 2, Ref 42); the client and access point include a modem for establishing a wireless connection between the client and access point (Pages 3-4, [0031], [0035] and [0037] ) wherein the protocol server (Fig 2, Ref 46) transmitting the generated data including the request to the legacy system and the instant message via an X.25 protocol (Page 3, [0035]).

Since, a method and system for using the modems to establish a wireless connection between a client and access point is well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to apply a modem into a device to be use for establishing a wireless connection between the client and access point using x.25 protocol as disclosed by Doss into the method and system of Oppenheimer. The motivation would have been to expand the intranet.

Regarding claim 2, Oppenheimer discloses the first application can access a plurality of remote data systems (Fig 6B).

Regarding claim 4, Oppenheimer discloses the instant message is addressed to a user represented by a user identifier (Fig 5B).

Regarding claim 5, Oppenheimer and Doss fail to the user identifier comprises one of a group of allowed recipients the method further comprising detecting at the instant messaging server whether the user identifier is of the group of allowed recipients, and delivering the message to the recipient only when the user identifier is of the allowed group. However, the examiner takes an official notices that a method and system for detecting at the instant messaging server whether the user identifier is of the group of allowed recipients, and delivering the message to the recipient only when the user identifier is of the allowed group is well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to detect the clients that belong to the group of clients that allows to receive the instant message into a method and system of Oppenheimer and Doss in order to prevent the instant message server to delivery an instant message to a correct receiver and provide a security.

Regarding claim 6, Oppenheimer discloses establishing an interactive connection between the first computing device and the second computing device (Figs 3-4, 5B and 6B).

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

MacGregor (US 20050102382) discloses a method and system for network management using instant message.

Schumacher (US 6038664) discloses a method and system for selecting a communication method for LAN.

Rice (US 20020174010) discloses a method and system for a client using remote access application to access the server for retrieving data and transmitting an instant message.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (571) 272-3159. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Steven HD Nguyen  
Primary Examiner  
Art Unit 2665  
February 6, 2006